

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

FILED  
NOV 22 2004  
U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator of the  
Est. of DEREK GRAY and on behalf of  
JANI L. GRAY-MCGILL, minor child of  
Decedent Derek Gray, et al.  
Plaintiffs,

CIVIL ACTION  
NO.: 04-CV-312-L

v.

JEFFREY DERDERIAN, et al.  
Defendants.

**PLAINTIFFS' MOTION PURSUANT TO FED. RULE CIV. P. 56(f)  
TO PERMIT SUFFICIENT DISCOVERY TO OBTAIN FACTS  
ESSENTIAL TO JUSTIFY PLAINTIFFS' OPPOSITION  
TO DEFENDANTS' ALTERNATIVE MOTION FOR SUMMARY JUDGMENT**

Plaintiffs ask this Court for an order denying the alternative Motion of the Clear Channel Defendants for Summary Judgment. Plaintiffs seek an Order from this Court permitting the plaintiffs to take discovery, by means of document subpoenas and oral testimony, in order to obtain facts essential to justify plaintiffs opposition to the Clear Channel Defendants' motion.

As grounds for their motion, plaintiffs state as follows:

1. There has been no substantive discovery permitted in this case pursuant to Order of this Court.
2. The Clear Channel Defendants seek dismissal of plaintiffs' claims, or summary judgment in their favor, asserting that they owe no duty to plaintiffs.

*Denied - only motions to dismiss will be heard  
at this time.*  
*Ronald R. Saguey*  
*SD. USAJ 2/16/05* (341)